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APPLICATION NO./ CONTROL NO. 09/963546	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.

Received
JUN 1 1 2004
LEGAL/PATENTS

EXAMINER	
ART UNIT	PAPER
	20040519

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

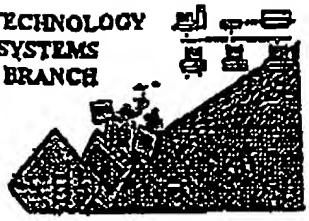
Commissioner for Patents

The communication filed on 03/09/04 is not fully responsive to the communication mailed 02/05/04 for the reason(s) set forth on the attached Notice to Comply With the Sequence Rules and/or CRF Diskette Problem Report. In addition, 37 CFR 1.821 (a)(2)(d) states that each sequence disclosed must appear separately in the "Sequence listing", and referenced appropriately in the text of the description and the claims whenever described. See MPEP 2422 & 2431. In other words, pages 16 & 20 (i.e, as it relates to Figure 3) of the specification must be amended to indicate the appropriate SEQ ID NO, etc. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Since the response appears to be bona fide, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment under 37 CFR 1.821(g). EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a) from the date of the original 02/05/04 communication. In no case may an applicant extend the period for response beyond the six month statutory period.

Any inquiry concerning this communication should be directed to Examiner Robert C. Hayes, Art Unit 1647, whose telephone number is 571-272-0885.

Robert C. Hayes, Ph.D.
May 19, 2004
1600



RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Received
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Application Serial Number: 09/910,3460
Source: IFW16
Date Processed by STIC: 3/12/04

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.
PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 703-308-4212; FAX: 703-308-4221
Effective 12/13/03: TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 4.1 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:
http://www.uspto.gov/web/offices/pac/checker/chkr41note.htm

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail. Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom. Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<http://www.uspto.gov/ebc/efs/downloads/documents.htm>, EFS Submission User Manual - ePAVE)
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Revised 10/08/03

IFW16

RAW SEQUENCE LISTING DATE: 03/12/2004
PATENT APPLICATION: US/09/910,346D TIME: 15:19:11

Input Set : A:\D2885CIP revised seq id.txt
Output Set: N:\CRF4\03122004\I910346D.raw

3 <110> APPLICANT: STEWARD, LANCE E
4 FERNANDEZ-SALAS, ESTER
5 HERRINGTON, TODD M
6 AOKI, KEI R
8 <120> TITLE OF INVENTION: Leucine-based motif and clostridial neurotoxins
10 <130> FILE REFERENCE: D-2885CIP
C--> 12 <140> CURRENT APPLICATION NUMBER: US/09/910,346D
C--> 12 <141> CURRENT FILING DATE: 2001-07-20
12 <150> PRIOR APPLICATION NUMBER: US 09/620,840
13 <151> PRIOR FILING DATE: 2000-07-21
15 <160> NUMBER OF SEQ ID NOS: 23
17 <170> SOFTWARE: PatentIn version 3.1

pp 1-3

ERRORED SEQUENCES

542 <210> SEQ ID NO: 22
543 <211> LENGTH: 6
544 <212> TYPE: PRT
545 <213> ORGANISM: Artificial
547 <220> FEATURE:
548 <223> OTHER INFORMATION: Synthetic peptide fragment
E--> 550 <400> SEQUENCE: (6) 22 ←
552 Phe Asp Lys Leu Tyr Lys
553 1 5
556 <210> SEQ ID NO: 23
557 <211> LENGTH: 4
558 <212> TYPE: PRT
559 <213> ORGANISM: Artificial needs explanation in <220>-<223> section
561 <220> FEATURE:
562 <221> NAME/KEY: MISC_FEATURE
563 <222> LOCATION: (2)..(3)
564 <223> OTHER INFORMATION: Xaa may be any amino acid or derivatives thereof
567 <220> FEATURE:
568 <221> NAME/KEY: MISC_FEATURE
569 <222> LOCATION: (4)..(4)
570 <223> OTHER INFORMATION: Xaa may be any hydrophobic amino acid
E--> 573 <400> SEQUENCE: (4) 23 ←
W--> 575 Tyr Xaa Xaa Xaa
576 1

all pp 2-3 for more errors

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<210> 1
<211> 7
<212> PRT
<213> Artificial ck

<220>
<221> MISC_FEATURE
<222> (1)..~~(5)~~(7) ← Sequence 1 is composed of 7 amino acids.
<223> Description of Artificial Sequence: fragment having properties substantially similar to that of leucine based sequence ~~wherein x may be any amino acid or derivatives thereof~~

delete these

<220>
<221>
<222> (1..5) move down to <223 line
<223>

<400> 1

Xaa Asp Xaa Xaa Xaa Leu Leu
1 5

Describe Xaa in a separate <220>-<223> section

Delete first and last amino acid location in the sequence.

The above is a sample of several sequences showing these types of errors.

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<210> 6
<211> 7
<212> PRT
<213> Artificial ?

<220>
<221> MISC_FEATURE
<222> (1)..(5) (?) ← 7 amino acids in the sequence.
<223> Description of Unknown Organism: This fragment may have come from a rat source.

Why is <213> response: "Artificial?"

<220>
<221> MISC_FEATURE
<222> (1)..(5)
<223> X may be any amino acid or derivatives thereof

<400> 6

Xaa Glu Xaa Xaa Xaa Leu Met
1 5

RAW SEQUENCE LISTING ERROR SUMMARY DATE: 03/12/2004
PATENT APPLICATION: US/09/910,346D TIME: 15:19:12

Input Set : A:\D2885CIP revised seq id.txt
Output Set: N:\CRF4\03122004\I910346D.raw

Invalid <213> Response:
Use of "Artificial" only as "<213> Organism" response is incomplete,
per 1.823(b) of New Sequence Rules. Valid response is Artificial Sequence.

Seq#:1,2,3,4,5,6,22,23

VERIFICATION SUMMARY DATE: 03/12/2004
PATENT APPLICATION: US/09/910,346D TIME: 15:19:12

Input Set : A:\D2885CIP revised seq id.txt
Output Set: N:\CRF4\03122004\I910346D.raw

L:12 M:270 C: Current Application Number differs, Replaced Current Application No
L:12 M:271 C: Current Filing Date differs, Replaced Current Filing Date
L:34 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1 after pos.:0
L:53 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:2 after pos.:0
L:77 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3 after pos.:0
L:101 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:4 after pos.:0
L:125 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:5 after pos.:0
L:149 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:6 after pos.:0
L:550 M:212 E: (34) Invalid or duplicate Sequence ID Number, SEQUENCE ID NOS:22 differs:6
L:573 M:212 E: (34) Invalid or duplicate Sequence ID Number, SEQUENCE ID NOS:23 differs:4
L:575 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:4 after pos.:0